

BORA LASKIN LAW LIBRARY



3 1761 10631409 9

Store

KF

5698

A4

M36

1976

Makuch, Stanley M

Cases & materials on
land use planning. Rev.
1976

Store

KF

5698

A4

M36

1976

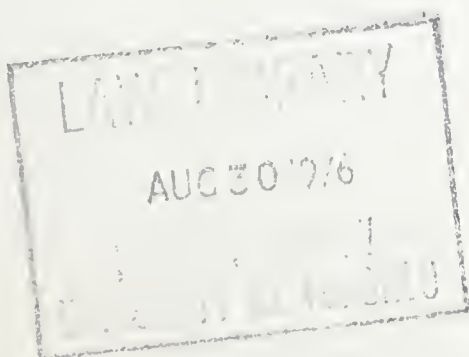


CASES & MATERIALS


ON

LAND USE PLANNING

1976



Prepared by Professor S.M. Makuch
Revised, 1976, with the assistance
of D. D'Oliveira, LL.B.



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

TABLE OF CONTENTS

<u>Chapter I</u>	<u>INTRODUCTION TO PLANNING</u>	<u>Page</u>
	1. J. Jacobs, <u>The Death and Life of Great American Cities</u> ..	1
	2. <u>Principles and Practice of Urban Planning</u>	4
	3. <u>Design for Development: The Toronto-Centred Region</u>	17
	4. <u>Design for Development: Toronto-Centred Region Program Statement</u>	30
	5. White, "Ontario's Land Use Legislation" in <u>1974 Law Society of Upper Canada Special Lectures</u>	38
	6. <u>Metroplan. Concept & Objectives: A Summary</u>	41
	7. <u>City of Toronto Official Plan</u>	44
	8. Ontario Economic Council, <u>Subject to Approval</u>	55
 <u>Chapter II</u>	 <u>THE PRIVATE CONTROL OF LAND USES</u>	
A.	<u>Restrictive Covenants</u>	
	1. <u>Tulk v. Moxhay</u>	57
	2. <u>London County Council v. Allen</u>	58
	3. <u>Stilwell v. Blackman</u>	63
	4. <u>Shepherd Homes Ltd. v. Sandham (No. 2)</u>	64
	5. <u>Earl of Leicester v. Wells U.D.C.</u>	64
	6. <u>Wrotham Park Estate v. Parkside Homes</u>	64
	7. <u>One Twenty-Five Varsity Road Ltd. v. Twp. of York</u>	65
	8. <u>Re Sekretov and City of Toronto</u>	68
	9. <u>In re McKillop and Vancouver</u>	73
B.	<u>Building Schemes</u>	
	1. Robinson, "Restrictive Covenants".....	73
	2. Hyett, "Restrictive Covenants: an Appraisal of Building Schemes".....	74
	3. <u>Scharf v. Mac's Milk Ltd.</u>	78
	4. <u>McGregor et al. v. Boyd Builders Ltd. et al.</u>	80
	5. <u>Re Lorne Park</u>	87
	6. <u>Re Zierler</u>	88
	7. <u>Shen Investments Ltd. v. Mosca</u>	88
	8. <u>Re Dolphin's Conveyance</u>	89
	9. <u>Texaco Antilles Ltd. v. Kernochan</u>	93
C.	<u>Modification of Restrictive Covenants</u>	
	1. <u>The Conveyancing and Law of Property Act</u>	93
	2. <u>Re Beardmore</u>	94

3.	<u>Re Beardsley's Application</u>	97
D.	<u>Nuisance</u>	
1.	<u>Spur Industries, Inc. v. Del E. Webb Dev. Co.</u>	98
2.	<u>Bottom v. Ontario Leaf Tobacco Co. Ltd.</u>	102
3.	<u>Boomer v. Atlantic Cement Company</u>	105

Chapter III ZONING AND LAND USE CONTROL

1.	Makuch, "Zoning: Avenues of Reform".....	111
2.	<u>City of Toronto Zoning By-law 20623</u>	112
3.	<u>Note on Zoning of Land Use in J.B. Milner, Community Planning</u>	141
4.	<u>Village of Euclid v. Ambler Realty Co.</u>	142
5.	<u>R. v. Brown Camps Ltd.</u>	146
6.	<u>City of Barrie v. Brown Camps Residential and Day Schools</u>	149
7.	<u>R. v. Bell</u>	152
8.	<u>The City of Toronto Act, 1975 (No. 2)</u>	160
9.	<u>Re Cadillac Development Corp. and City of Toronto</u>	160
10.	<u>Re Wall & Redekop Corp. Ltd. and City of Vancouver</u> ...	170
11.	<u>Scarborough Township v. Bondi</u>	172
12.	<u>City of Ottawa v. Royal Trust Co.</u>	175
13.	<u>Re Twp. of North York Restricted By-law</u>	188
14.	<u>City of Toronto v. Polai</u>	193
15.	<u>Polai v. City of Toronto</u>	203
16.	<u>R. v. Gibson. Ex parte Cromiller</u>	204

Chapter IV ZONING REFORMS AND DEVELOPMENT CONTROL

1.	<u>On Building Downtown: Design Guidelines for the Core Area</u>	206
2.	<u>City of Toronto Official Plan: Proposed Amendment No. 39</u>	219
3.	<u>City of Toronto Official Plan</u>	221
4.	Proposed Zoning Ordinance, Rome, N.Y. in Robert M. Anderson, 4 <u>American Law of Zoning</u>	223
5.	<u>The Municipal Amendment Act, S.O. 1975 c. 56, s. 8</u> ...	226
6.	<u>Re Mississauga Golf and Country Club</u>	227
7.	<u>Re O'Donnell and City of Belleville</u>	231

8.	<u>Town of Uxbridge v. Timber Brothers Sand & Gravel Ltd.</u>	232
9.	Makuch, "Zoning: Avenues of Reform".....	236
10.	<u>Soo Mill & Lumber Co. Ltd. v. City of Sault Ste. Marie.</u>	239
11.	<u>Sanbay Developments Ltd. v. City of London.</u>	242
12.	<u>Re Walmar Investments Ltd. and City of North Bay.</u>	245
13.	<u>Re Cogan and City of Toronto.</u>	249
14.	<u>Letter on Holding By-law and Development Control.</u>	256
15.	<u>Form of Standard London Development Agreement.</u>	261
16.	<u>Form of Standard Burlington Development Agreement.</u>	263
17.	<u>Form of Standard Scarborough Subdivision Agreement.</u> ...	265
18.	<u>Canadian Institute of Public Real Estate Companies v. Toronto.</u>	279
19.	<u>The City of Winnipeg Act.</u>	293
20.	<u>The Planning Act.</u>	298
21.	<u>The Halifax City Charter, 1963.</u>	300
22.	"Not at a Council's Whim" <u>The Globe and Mail.</u>	301

Chapter V

PREEXISTING RIGHTS OF LANDOWNERS

1.	<u>City of Toronto v. Wheeler.</u>	303
2.	<u>City of Ottawa et al. v. Boyd Builders Ltd.</u>	303
3.	<u>Chater v. City of Dartmouth.</u>	308
4.	<u>R. v. City of Barrie, Ex parte Bernick.</u>	318
5.	<u>Re Overcomers Church and City of Toronto.</u>	321
6.	<u>Re Cambridge Leaseholds Ltd. and City of Toronto.</u>	326
7.	<u>Re Cambridge Leaseholds Ltd. and City of Toronto (No. 2).</u>	335
8.	<u>Re Cambridge Leaseholds Ltd. and City of Toronto (No. 3).</u>	338
9.	<u>Re David Gallo Building Co. Ltd. and City of Toronto.</u>	342
10.	<u>Re 261532 Development Corporation Ltd. and City of Toronto.</u>	348
11.	<u>Re Governors of Dalhousie College & University and City of Halifax.</u>	352
12.	<u>Re Triforce Construction Ltd. and City of Toronto.</u>	352

